

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action of January 14, 2011, in which the Examiner rejected claims 25-37, 50 and 52-54 under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 7,089,208 (“**Levchin**”) in view of U.S. Patent No. 6,386,446 (“**Himmel**”) and further in view of U.S. Patent No. 6,892,184 (“**Komem**”).

By the present Amendment, claim 25 has been amended for clarification. No claims have been cancelled or added. Thus, claims 25-37, 50 and 52-54 are pending, with claim 25 being the only independent claim.

In rejecting the claims, the Examiner cited **Levchin** and **Himmel** as disclosing many of the claim features, but acknowledges that **Levchin** and **Himmel** do not show the feature of the handlers each using “different forms of monetary value, and wherein the different forms of monetary value are converted according to the handler used for the transfer of funds by querying such handler for an exchange rate to be used for the conversion.” The Examiner cites **Komem** (col. 5, lines 26-37, “payment mechanism”; col. 6, lines 15-19; and col. 3, lines 18-30) as disclosing this feature (pages 4 and 8 of the Office Action).

Applicants respectfully disagree and request reconsideration.

Komem discloses a system that permits e-commerce transactions to be supported in different currencies, such as where the currency used by a buyer is different than the currency used by a seller. The system permits the buyer and seller to be assured of the price in their respective local currencies, by guaranteeing the price and hedging against currency fluctuations using international currency trading, and charging a fee for the guarantee (see Abstract; col. 2, lines 35-59).

As to the particular portions of **Komem** relied on by the Examiner, cited col. 5, lines 26-37 discloses a “payment mechanism,” but does not disclose how the payment mechanism is involved in currency conversion (rather, it suggests that it is not involved, i.e., “[the] payment is converted to the local currency of the vendor according to the system of the present invention, which may optionally be separate from the payment mechanism which received payment from the buyer” -- see col. 5, lines 30-33). Cited col. 6, lines 15-19 of

Komem merely states that vendors may “conduct their operation in a single currency while accepting payments in multiple currencies,” but does not disclose whether or how a handler might be involved in such conversion. Cited col. 3, lines 18-30 of **Komem** refers to determining a conversion rate and converting the price of a product from the currency of a vendor to a currency of a buyer, but likewise does not disclose whether or how a handler might be involved in such conversion.

In fact, the system in **Komem** does not involve plural handlers that each use a different form of monetary value and where a conversion is done according to the handler used for the transfer of funds. Rather, in **Komem**, the final price is “hedged” or guaranteed by a hedging feature, with exchange rates sent from a hedging machine 34 to a currency module 36 at a vendor POS in order to determine the exchange rate to be used (see col. 8, lines 46-50; col. 9, line 66 – col. 10, lines 6; Fig. 4, step 1). The payment mechanism 16 (which the Examiner appears to regard as a “handler”) does not provide a currency rate, either on its own or in response to a query.

Thus it is clear that in **Komem** (1) exchange rates do not come from the payment mechanism 16, (2) there are not a plurality of handlers each using a different form of monetary value, and (3) there is not a conversion of the different forms of monetary value “according to the handler used for the transfer of funds by querying such handler for an exchange rate to be used for the conversion,” as all recited in independent claim 25.

The handlers of the present invention are used to transfer funds to a stored value account of a user, and examples of handlers are described in the Specification (e.g., page 4, lines 3-11) and recited in the dependent claims (e.g., claim 32), and include a bank, credit card company, debit card company, an agent location, a stored value fund, an airline mileage program, etc. Accomplishing a conversion by querying the handler used for the transfer of funds (where each handler uses a different form of monetary value) is not taught or suggested by a currency exchange system such as **Komem**, since in **Komem** a currency exchange rate is determined for each transaction by the hedging machine 34 sending exchange rates to the vendor server.

Even if one were to assume, for purposes of argument, that the hedging machine 34 in **Komem** were somehow a handler, **Komem** would still fail to teach plural hedging machines (there would be no reason or logic for having plural hedging machines) and would still fail to teach the plural hedging machines each using a different form of monetary value. Rather, in **Komem**, the same hedging machine is used for the currency conversion for each transaction at the vendor server.

Alternatively, if one were to assume that the payment mechanism 16 in **Komem** were a handler, **Komem** would fail to teach plural payment mechanisms (there is only one seen in **Komem**, e.g., Figs. 2 and 3), would fail to teach the plural payment mechanisms each using a different form of monetary value, and would fail to teach the conversion of the different forms of monetary value “according to the handler used for the transfer of funds by querying such handler for an exchange rate” (rather, the currency exchange rate in **Komem** comes from the hedging machine 34).

The features of **Komem** are in contrast to the present invention, where the conversion is determined by the form of monetary value at the one of the plural handlers that is used to fund the stored value account, as part of transfer of money from the user to a payee. Applicants have emphasized this feature in claim 25 by now more clearly reciting that the handlers are “a plurality of handlers.”

Applicants note the Examiner’s reference to **DeRooij** (U.S. Patent No. 6,016,955) as also showing the above referenced feature of claim 25. Applicants respectfully submit that that the referenced portion (claim 1) of **DeRooij** merely recites a payment station that, during a payment redaction, credits a first value and debits a second value corresponding to the first value. Applicants respectfully submit that, as with **Komem**, **DeRooij** does not disclose a plurality of handlers each using “different forms of monetary value, and wherein the different forms of monetary value are converted according to the handler used for the transfer of funds by querying such handler for an exchange rate to be used for the conversion,” as recited in claim 25.

For at least the forgoing reasons, claim 25 is distinguishable over **Komem** (individually or as considered with the other cited references, **Levchin**, **Himmel** and **DeRooij**).

Dependent claims 24-37, 50 and 52-54 each recite limitations in addition to those of claims 25, and are allowable over the cited references for at least the same reasons.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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